

The Odisha Gazette



EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1244 CUTTACK, MONDAY, AUGUST 4, 2014/SRAVANA 13, 1936

LABOUR & E. S. I. DEPARTMENT

NOTIFICATION

The 25th July 2014

No. 5924—li-1(SS)-23/2006-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 26th June 2014 in Industrial Dispute Case No. 9 of 2007 of the Presiding Officer, Industrial Tribunal, Rourkela to whom the industrial dispute between the Management of Contractors of M/s Prakash Industries Ltd. and their Workmen (1) Shri Purna Chandra Barik (2) Shri Ghasiram Barik (3) Rama Barik represented through North Odisha Workers Union was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, ROURKELA
INDUSTRIAL DISPUTE CASE No. 9 OF 2007
Dated the 26th June 2014

Present :

Smt. V. Jayashree,
Presiding Officer, Industrial Tribunal, Rourkela.

Between :

Manager (P. & A),
M/s Prakash Industries,
At/P.O. Koira, Sundargarh. . . First Party—Management

And

Shri P. C. Barik, Shri Ghasiram Barik,
and Shri Rama Barik, represented . . . Second Party—Workmen
By General Secretary, North Odisha
Workers Union, Orampur, Rourkela.

Appearances :

For the First Party—Management	. . . Shri S. K. Debta, Officer (P. & A.)
For the Second Party—Workmen	. . . Shri B. S. Pati, General Secretary

AWARD

The Government of Odisha in the Labour & Employment Department in exercise of powers conferred upon them by sub-section (5) of Section 12 read with Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 have referred the following disputes for adjudication vide Order No. 3471—li-1(SS)-23/2006-LE., dated the 7th April 2007 :—

“Whether the action of the Management of M/s Prakash Industries Ltd., Crushing Division, At/P.O. Koira, Dist. Sundargarh in terminating the services of Shri Purna Chandra Barik, Helper, Shri Ghasiram Barik, Rigger and Shri Rama Barik, Khalasi with effect from the 16th September 1999 is legal and/or justified ? If not, to what relief the above workmen are entitled ?”.

2. Parties appeared through their respective representatives. Workmen filed their written statement. However both parties appeared and filed a joint petition of compromise wherein it has been stated that the management will make payment of Rs. 15,000 each and three workmen will be given employment when the factory will resume operation. So they do not want to proceed with the case. Terms of settlement and conditions are read over and explained to the parties who agreed to the same and had put their signatures in my presence. Since parties agreed to the settlement entered into the reference case is closed. Terms and condition of compromise mentioned therein would form part of the Award.

Dictated and corrected by me.

V. JAYASHREE

26-06-2014

Presiding Officer

Industrial Tribunal, Rourkela

V. JAYASHREE

26-06-2014

Presiding Officer

Industrial Tribunal, Rourkela

By order of the Governor

M. NAYAK

Under-Secretary to Government

FORM - K

Memorandum of Settlement Between the Management of M/s Prakash Industries Limited, At/P.O. Koira, Dist. Sundargarh and their workmen represented by the General Secretary, North Odisha Workers' Union, Barbil on this the 23rd day of June, 2014.

Representing the employer

(1) Shri A. B. Singh,

President

(2) Shri S. K. Debata, Officer (P. & A.)

Representing the workmen

(1) Shri B. S. Pati,

General Secretary

(2) Shri Purna Chandra Barik, Workman

(3) Shri Ghasiram Barik, Workman

(4) Shri Rama Barik, Workman

SHORT RECITAL OF THE CASE

Whereas, the General Secretary, North Odisha Worker's Union raised an Industrial Dispute on the illegal termination of services of (1) Shri Purna Chandra Barik, (2) Shri Ghasiram Barik and (3) Shri Rama Barik, Workmen of M/s Prakash Industries Limited, At/P.O. Koira, Dist. Sundargarh through its letter, dated the 22nd March 2002. The dispute was admitted into conciliation and ended in failure. The District Labour Officer-cum-Conciliation Officer, Rourkela submitted his failure report to the Government of Odisha and the said Government in Labour & Employment Department had referred the dispute to the Presiding Officer, Industrial Tribunal, Rourkela vide its Order No. 3471, dated the 7th April 2007 for adjudication. The case was registered as I. D. Case No. 9 of 2007.

Whereas, the management informed that the said factory has been closed in the year 2005 and is not in operation.

That during the pendency of the dispute, the parties have mutually discussed and agreed to settle the same in the following terms :—

TERMS OF SETTLEMENT

- (1) That, it is agreed by and between the parties to the dispute that the parties are not interested to pursue the dispute in the Industrial Tribunal and the management i. e., M/s Prakash Industries Limited, At/P.O. Koira, Dist. Sundargarh agrees to make payment of Rs. 15,000 (Rupees fifteen thousand) only each to disputant workmen namely (1) Shri Purna Chandra Barik, (2) Shri Ghasiram Barik and (3) Shri Rama Barik as a consideration for final settlement of the dispute.

(2) That, it is agreed by the employer that all the three workmen shall be provided employment when the factory will resume operation and/or will be reopened for production.

(3) That, this settlement settles all disputes covered in the I. D. Case No. 9 of 2007 and concerned workmen shall not raise any claim/ demand in any other Forum pertaining to the present dispute.

(4) That, both the parties agreed to file a joint petition together with this memorandum of settlement before the Presiding Officer, Industrial Tribunal, Rourkela with a prayer to accept the same & pass an Award as per this settlement.

Representing the employer

(1) Shri A. B. Singh,

President

(2) Shri S. K. Debata, Officer (P. & A.)

Representing the workmen

(1) Shri B. S. Pati

(2) Shri Purna Chandra Barik

(3) Shri Ghasiram Barik

(4) Shri Rama Barik

Witnesses

(1) S. K. Jha (Sr. Manager (A/C)

on behalf of the management.

(2) R. C. Pradhan, Secretary

on behalf of the workmen.